

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
PLANCK LLC, d/b/a, PATCH MEDIA,

Plaintiff,

– against –

PARTICLE MEDIA, INC., d/b/a, NEWS BREAK,
et al.,

Defendants.
-----X

Case No. 20-CV-10959 (LGS)

**JOINT STIPULATION AND
[PROPOSED] ORDER
EXTENDING DEADLINES**

LORNA G. SCHOFIELD, District Judge:

WHEREAS, on May 25, 2022, the Court entered a Third Amended Civil Case Management Plan and Scheduling Order (Dkt. No. 93) (the “Case Management Plan”), which provides, *inter alia*, that fact depositions shall be completed by May 31, 2022 and all fact discovery shall be completed no later than May 31, 2022 (Dkt. No. 93 § 8(a), (e));

WHEREAS, the Third Amended Case Management Plan extended the deadline for completing fact discovery and fact depositions for the purpose of completing the depositions of Patch’s President Warren St. John on May 31, 2022 and Patch’s former vice president, Damian Noto, on May 27, 2022;

WHEREAS, on May 24, 2022, Defendants were informed by Mr. Noto’s counsel that he was available for deposition on May 27, 2022, but were later informed on May 25, 2022 by Mr. Noto’s counsel that his availability on May 27, 2022 was limited to two hours only;

WHEREAS, the next date that Mr. Noto and all parties’ counsel are available for a full-day deposition is June 3, 2022;

WHEREAS, in an effort to accommodate the schedule of a nonparty, counsel herein are willing to stipulate to extend the cutoff for fact discovery to allow for Mr. Noto's deposition to proceed on June 3, 2022;

WHEREAS, Defendants reserve the right to file a motion to compel to enforce the subpoena to Mr. Noto in the event he does not appear on June 3, 2022 and Plaintiff reserves the right to oppose such a motion;

WHEREAS, the Case Management Plan requires the parties to submit a joint status letter on the close of fact discovery by June 1, 2022 and meet-and-confer on a schedule for expert disclosures by June 6, 2022 (Dkt. 93 §§ 9(c), 13(b));

WHEREAS, the parties have agreed that, in order to complete Mr. Noto's deposition it is appropriate to modify the Case Management Plan, and to make limited adjustments to certain other deadlines that depend on the completion of depositions.

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED by and between the parties hereto, through their respective counsel in this action, that the deadlines set forth in the Case Management Plan shall be amended as follows:

- a. The deadline for completing depositions and completing fact discovery (subject to the other limitations set forth in this Stipulation and Order), as set forth in sections 8(a) and (e), shall be extended from May 31, 2022 until June 3, 2022 for the purpose of completing Mr. Noto's deposition only;
- b. The deadline for submitting a status letter after the close of fact discovery, as set forth in section 13(b), shall be extended from June 1, 2022 until June 6, 2022; and
- c. Fact discovery is coming to a close on June 3, 2022, and therefore, on consent of counsel for Plaintiff and Defendants, the deadline for the parties to meet and confer

regarding discovery schedule for expert disclosures is extended by two days to June 8, 2022.

Dated: May 27, 2022

Dated: May 27, 2022

/s/ Peter B. Schalk

JUDD BURSTEIN, P.C.

JUDD BURSTEIN
jburststein@burlaw.com
PETER B. SCHALK
pschalk@burlaw.com
EMILY C. FINESTONE
efinestone@burlaw.com
260 Madison Avenue, 15th Floor
New York, New York 10016
Telephone: (212) 974-2400
Fax: (212) 974-2944
*Attorneys for Plaintiff Planck LLC, d/b/a,
Patch Media*

/s/ Kelly M. Klaus

MUNGER, TOLLES & OLSON LLP

KELLY M. KLAUS (*pro hac vice*)
kelly.klaus@mto.com
JONATHAN H. BLAVIN (*pro hac vice*)
jonathan.blavin@mto.com
ROWLEY J. RICE (*pro hac vice*)
rowley.rice@mto.com
SARAH WEINER
sarah.weiner@mto.com
560 Mission Street, 27th Floor
San Francisco, CA 94105
Telephone: (415) 512-4000
Fax: (415) 512-4077

SHAPIRO ARATO BACH LLP

CYNTHIA S. ARATO
carato@shapiroarato.com
500 Fifth Avenue, 40th Floor
New York, NY 10110
Telephone: (212) 257-4880
Fax: (212) 202-6417

*Attorneys for Defendants Particle Media,
Inc., d/b/a, News Break and Vincent Wu*

SO ORDERED.

Dated: _____

LORNA G. SCHOFIELD
United States District Judge